

Washington County Growth and Conservation Act

Question & Answers

<u>Index</u>	<u>Page</u>
Part 1. Overview of Legislation & public process to date	1
Part 2. Impact on Endangered Species	6
Part 3. Land Sales	7
Part 4. Wilderness Issues	8
Part 5. Water Development	12
Part 6. Transportation	13
Part 7. Utility Corridors	14
Part 8. Off Highway Vehicles	14
Part 9. Agriculture, Livestock and Mining	15
Part 10. Mining	15

Part 1 - Overview of Legislation and Public Process to Date

A. What is the Washington County Growth and Conservation Act?

The Washington County Growth and Conservation Act was introduced by Senator Bennett (R) on July 11, 2006 and by Congressman Matheson (D) one day later, at the request of the Washington County Board of Commissioners. The bill's purpose is to provide a framework for policy as well as the implementing tools necessary for the long term well-being of the county.

The proposed legislation addresses economic growth, planning, and recreation, in Washington County. The act also designates 165.5 miles of the Virgin River under the Wild and Scenic Rivers Act and it adds an additional 219,725 acres of land to the National Wilderness Preservation System.

B. Why is it needed and why is it important to Washington County?

Washington County is one of the nation's fastest growing counties. The bill is needed to in order to address the many competing interests and needs of Washington County's citizenry in light of this growth. These needs include economic growth and sustainability, a resolution to complicated environmental and endangered species issues, and to acquire the additional tools and resources needed to better manage growth in the county.

C. How was the bill developed?

Following the successful passage of the Clark & Lincoln County (NV) land bills, Washington County Commissioners and former Governor Olene Walker agreed jointly to instigate a similar public process in St. George. This process formally began in June 2004. It began with a working committee of 20 people representing a broad spectrum of interests. The group held a series of public meetings and tours. At each meeting they focused on a different area of the County.

At the conclusion of these discussions each of the participants and the public were invited to submit written comments to Senator Bennett's office. Over the next year Senator Bennett's and Congressman Matheson's staffs wrote the bill. Senator Bennett and Congressman Matheson patterned their bill to closely follow the language of the Clark and Lincoln County bills in Nevada.

After the draft bill was released, public hearings were held in St. George and Hurricane. Senator Bennett and Congressman Matheson released their contact information and stated that they were actively seeking written comments about the proposed legislation. Hundreds of comments have been received and comments are still being taken. Several revisions to the draft bill have been made to reflect the suggestions and comments received.

Was there a public process?

Yes. The county map was divided into four sections multiple GIS layers were examined as each area was discussed in public meetings. In each meeting, discussion topics included such things as transportation and utility corridors, water infrastructure and needs, roads, wilderness, natural resources, wildlife and endangered species to name only a few.

Each meeting was followed by a public tour of the area discussed the previous day. By conducting a "Boots on the Ground" inspection of the area, participants gained an even better understanding of all the issues involved. These meetings were all reported in the local newspaper and were usually front page articles. At the end of the public meetings all participants were invited to submit written comments. Senator Bennett's office used these comments in drafting the bill.

E. Who was represented on the committee?

Interests represented on the committee included Scott Groene - Southern Utah Wilderness Alliance (SUWA), Suzanne Jones - Wilderness Society, Lawson

LaGate - Sierra Club, Doug Syphus - Outdoor Retailers, Gary McKell - Utah Dept of Wildlife Resources and Virgin River Land Trust, Dale Grange - ATV, Greg McGregor - Dixie Wildlife Federation, Ron Thompson - Washington County Water District, Carol Sapp - Southern Utah Home Builders, Denny Drake - Mayors Association, Steve Urquhart - State Representative, Dennis Iverson - Washington County Farm Bureau, Darrell Whitney - Sand Gravel and Mining, Scott Hirschi - Economic Development and Hiking, and the County Commissioners Ence, Gardner and Eardley.

The Shivwits Band (Paiute Tribe) was invited but only attended one meeting. Representatives from the Forest Service, Bureau of Land Management, National Park Service and State Parks as well as several County departments attended the meetings as an information resource.

Why did formal meetings stop and then after 1 year, begin again?

After the committee finished its meetings and discussions, members were asked to submit written comments to Senator Bennett for bill preparation. During the next year Senator Bennett and Congressman Matheson developed the bill language following very closely the language used the Clark and Lincoln County Nevada bills.

After a year of development, the bill was released for public comment. At this time the public process was restarted. The public process consisted of hearings which were held in St. George and Hurricane. Comments were then actively sought.

After the public comment period was over, changes were made to the draft legislation bill consistent with comments gathered during the public process. The revised legislation was then introduced in both the Senate and the House. Comments can still be made by interested members of the public to either one or both sponsors.

Is this process typical for this kind of bill?

Yes, the process being followed is consistent with, and typical to, the Lincoln and Clark County land bills which were passed earlier by Congress.

Were environmental groups excluded as they say?

Three national groups, Southern Utah Wilderness Alliance (SUWA), Sierra Club and Wilderness Society were represented on the committee and in attendance at

most meetings. These groups chose to not participate in the tour and discussion which focused on the western side of the county. Representatives of these groups later spent two days with Senator Bennett's and Congressman Matheson's staff providing input to the bill.

The land bill as drafted, seeks to balance the competing interests of a wide variety of users. However, before an area can be designated as Wilderness, it must comply with the eligibility provisions of the Wilderness Act of 1964.

What is "Vision Dixie" and how does it relate to the land bill?

Vision Dixie is a county-wide, citizen driven, comprehensive planning process initiated by the county commission. The process will compliment local zoning and planning efforts to help guide and manage growth and development within the county.

Vision Dixie has been codified in a Memorandum of Understanding (MOU) between the County, the Nature Conservancy, and Envision Utah to help fill in the details and provide the finishing touches needed to make the congressional designation of the land bill complete.

Should we "hold our horses" and wait to fully complete "Vision Dixie" before we proceed with the bill now pending in Congress?

The Vision Dixie process is an ongoing process that is ever evolving and dynamic in nature. The window of opportunity for congressional legislation to set a comprehensive set of tools and framework is now. The act sets aside critically needed corridors for utilities, transportation and water that have been in the planning for several years. The act also addresses and helps to resolve environmental and endangered species issues. Vision Dixie compliments the federal legislation by seeking local vision within the cities and towns. It provides for additional input from local stake holders beyond the control of the Congress.

What are the growth projections for the future?

Washington County's population has nearly doubled each decade since 1970. The County's current population is estimated to be in excess of 130,000. the Governor's Office projects a population of around 400,000 residents within three decades.

Western Governors Association estimates population growth in the Western States to increase 41,000,000 by 2030. Utah's population is projected increase 1,000,000 by 2020. Beginning around 1970, Washington County's population has very

nearly doubled each succeeding decade. Washington County's current population is estimated to be in excess of 130,000.

How does the land bill help us deal with the rapid growth that Washington County is experiencing now?

The bill provides a framework for managed growth. With or without the bill Washington County will remain one of the fastest growing counties in the nation. The bill is needed to better plan for and facilitate growth that is already occurring.

In the long term the bill identifies and preserves utility and transportation corridors and water development sites that may be needed. It also sets aside land for wilderness and provides for the creation of a National Conservation Area (NCA).

What does the bill do for environmental protection?

The bill provides money for the protection and management of endangered species habitat including both plant and the desert tortoise. These funds would be generated from the sale of surplus public lands. These funds could be used to acquire ownership of non-federal lands in the Desert Tortoise Reserve. (The value of the non-federal lands in the reserve is estimated to be in excess of \$400,000,000.)

The act would also provide funding for the development of easements needed for critical lands. Another tangible benefit of the act would be the funding it would provide for developing and managing an ATV trail system. Such a system would provide a place for riders to enjoy nature, have a safe place to ride, and at the same time protect the environment by staying off of critical habitat.

What does the bill do for economic growth?

The bill provides a framework for major utility and transportation corridors as well as water development sites should they be needed in the future. Part of the urgency in getting this bill passed is the immediacy of the need to protect these important corridors.

Are economic and environmental activities compatible within the text of the bill?

Yes, Senator Bennett and Congress Matheson successfully sought a workable balance between the two interests, and they work well together in the bill.

Overall, does this bill encourage economic growth or stifle it?

Neither, the bill identifies and preserves a framework of utility and transportation corridors and water resources that can be used if they are needed in the future.

Part 2 - Impact on Endangered Species

How does the bill address species protection in the county?

The bill provides funding for protection and management of endangered plant habitat as well as additional funding for the desert tortoise. (There is over \$400,000,000 in non-federal land that needs to be acquired in the tortoise reserve alone.)

What is a National Conservation Area (NCA)?

A National Conservation Area (NCA) is a Congressional designation giving special management status to an area containing special resource value along with a management prescription to protect the resource in question.

Why create a National Conservation Area?

When the tortoise reserve was created it was planned that it would eventually become a National Conservation Area (NCA). We are now midway through the current 20 year plan and agreement that we have with the U.S. Fish and Wildlife Service. The management plan for the tortoise has been working well. The creation of a NCA would incorporate the practices of current management and allow it to continue beyond the 20 year plan.

What are the short and long term prospects for Desert Tortoise protection with an NCA / without?

The current management scheme, in place for the past 10 years, has worked well. However the agreements in place only cover a span of 20 years. A NCA would allow the successful management prescription now in place to continue without a sunset. Without such an agreement, an important element of stability could be lost.

Part 3 - Land Sales

Why is it necessary to sell federally owned (BLM) lands within the county?

Unlike the vast majority of counties and parishes in the United States, in which the majority of the ground is privately owned and held, only 16.1% of Washington County is private land. In that 16.1% percentage is property not suitable for development because it is located in higher elevations without year round access.

How has federal land sales worked in Nevada? Is the Washington County bill similar?

Surplus public land was auctioned off to the highest bidder. Proposed land sales in the current legislation would follow the same or similar process.

How much BLM land will be sold under the terms of the bill?

Approximately 4,300 acres will be sold in the first phase over a six year period with 800 to 900 acres being sold the first year. The balance of the land sales (up to 20,000 acres total) will be identified in the Vision Dixie process. The Vision Dixie process will involve substantial study and allow for significant public comment.

How will this affect the private land base in the county?

Currently only 16.1% of the County is privately owned land with a large portion of that being in higher elevations, (such as the Kolob area), and is not available year round. If all 25,000 acres are eventually sold, it would increase private property ownership by 1.6%, bringing the total private land base in Washington County to 17.7%.

Will the sales be restricted or controlled in any way?

Any land sold will come in under current planning and zoning laws in the community or area where it is located. The Vision Dixie Process will help define how residents want the county to look in the future and provide guidance for future growth and development.

Does the county have any control over the sales?

Proposed land sales will occur in two different phases. The first phase consists of 4,300 acres. The second phase could be as many as 20,000 acres. The legislation itself would spell out many of the sales specifics in the first phase. When the second phase occurs, the Vision Dixie process will help provide guidance and additional input. The county will have the ability to remove any portion of land from the sale parcels, or to not have land sales for one or more years.

How will the money be spent and where?

Revenue generated as a result of land sales will be dispersed similar to the Clark and Lincoln County Nevada bills. 5% will go to School Trust Lands, which were established in the state enabling act. 2% will go to the County for administrative costs, public safety, fire protection, flood control and transportation. 8% of the revenue is earmarked for the Water Conservancy District for water treatment, water conservation, water transmission and other related infrastructure (not the Lake Powell pipeline). The remaining 85% will go to the Bureau of Land Management (BLM).

The BLM will utilize the funds for land sale preparation, endangered species habitat purchase and management, high desert ATV trails, trail development and maintenance, (including trails on Pine Valley Mountain and other projects approved by the secretary of interior within Washington County.)

How much money will be generated and will it reduce local taxes? Is it enough to accomplish stated goals?

The amount of money generated depends on how fast the land is sold and the amount the land sells for. This will be influenced by where it is located. If 800 acres were sold in the first phase and the averages sale price is \$50,000/ acre, it would generate \$40,000,000.

There is an estimated \$400,000,000 in non-federal property that needs to be acquired in the Red Cliff Reserve. Proposed projects will have to be prioritized according to available funding.

It is not expected that revenue from the proposed land sales would impact property tax rates or lead to a rate reduction. Increased funding for critical activities such as law enforcement as well as improved recreational opportunities are a substantial fringe benefit of the legislation.

Will there be any provision for Workforce Housing in the sale of the BLM lands?

Language is being drafted, to be inserted in the bill, that would provide a specified percent of land for workforce housing when it is developed.

Part 4 - Wilderness Issues

What is the definition of Wilderness under the Wilderness Act of 1964?

Congress defined wilderness in the act as “an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain.an area of undeveloped Federal land retaining its primeval character and influence, with out permanent improvements or human habitation (1)...with the imprint of man’s work substantially unnoticeable; (2) has outstanding opportunities for solitude of a primitive and unconfined type of recreation; (3) has at least five thousand acres of land....(4) may also contain ecological, geological,, or other features of scientific, educational, scenic or historical value.”

88,500 acres of BLM land has been managed successfully as Wilderness Study Areas (WSAs) for 28 years, yet Washington County has grown at a rapid rate all that time. Shouldn’t we set aside even more Wilderness since WSAs have not impeded growth?

The Bureau of Land Management (BLM) at the request of Congress inventoried all of the land under the BLM’s jurisdiction in Washington County. (A similar process was undertaken in the all of the Western States.) The purpose for conducting this inventory was to study the land for its wilderness characteristics in order to determine if they qualified for wilderness protection as defined by the Wilderness Act of 1964.

Much of the land was disqualified because it bore the imprint of man, i.e. roads, mines, water facilities, fences, etc.. The remaining acreage still has the same imprint from man that disqualified it originally.

Are areas of legitimate wilderness being left out of the bill as some environmental groups claim?

Congress gave the definition of Wilderness to the BLM. Congress then gave federal land mangers the charge to determine which lands qualified as wilderness and which lands should be in other management designations.

Some of the areas that the wilderness groups wanted designated wilderness do not meet the congressional qualification. We should be mindful that Congress defined what does, and does not qualify as wilderness. It was not left to environmental organizations or other groups to determine what qualifies.

What are the reasons some wilderness group proposals were not designated wilderness?

The lands, when inventoried as wilderness or potential wilderness did not meet Congress's definition of wilderness. The lands were crisscrossed by roads, contained old mines, fences, or watering facilities, etc.

Four of their proposed wilderness areas are mostly covered by an Area of Critical Environmental Concern (ACEC) designation by the BLM. This is land identified as critical habitat for the desert tortoise. The BLM has asked that this land not be designated as wilderness, because they can't manage it for wilderness and for the protection of the tortoise. Additional areas are critical winter habitat for mule deer. Wilderness designation would prevent many habitat improvements for the benefit of animals.

How many acres of wilderness are designated in the land bill for Washington County?

123,743 acres Zion National Park
93,340 acres Bureau of Land Management (BLM)
2,642 acres Dixie National Forest
219,725 acres Total New Acres

How many total acres of wilderness will this designate in Washington County?

50,000 acres Pine Valley Wilderness / Dixie National Forest CURRENT
3,653 acres BLM wilderness that join Arizona CURRENT
219,725 acres Total new acres of wilderness
273,378 acres Grand Total wilderness designation

Why is wilderness being designated in Zion National Park? Isn't it already protected? Was this an effort to just add wilderness acres?

Zion's management plan written several years ago called for a major part of the

park to be designated as wilderness. It was at the request of the Park management that this was added as additional wilderness. Zion is already protected by a National Park designation.

Will there be any other changes to Zion National Park in the bill?

Yes, Zion will be expanded by 1,009 acres in parcels on the Rockville Bench and the Watchman, across from Springdale.

How many acres of wilderness designation are in Washington County if the acreage in Zion National Park is not counted?

273,378 Grand Total wilderness acres in the proposed legislation
-123,743 minus Zion National Park acres (as per question stated above)
149,635 Total acres of designated wilderness without Zion National Park

The 149,635 acres exclusive of the park acreage represents approximately 10% of the Washington County's total land area that would be designated as wilderness.

How many acres of Washington County will be protected under some special form of management designation?

Between Wilderness, Areas of Critical Environmental Concern (ACEC), Zion National Park, the Shivwit Indian reservation, Desert Red Cliff Reserve, other endangered species habitat, there are approximately 452,000 acres of Washington County in some form of special designation. This represents 29% of the county that is "PROTECTED".

Are any lands being released from wilderness study?

Yes, of the lands being studied for wilderness qualifications, the BLM recommended that 66,178 acres be made wilderness and that 22,322 acres be released from wilderness consideration. The land bill releases around 7,500 acres. In Cannan Mountain (Hilldale) and Red Mountain (Ivins) wilderness study areas, the boundaries come clear down to the bottom of the slopes below the cliffs and into the respective towns.

If a person riding a bicycle errantly got on the wrong side of the wilderness boundary, they could find themselves in violation of the Wilderness Act. The WSA boundary, for example, is adjacent and parallels the main road into Hilldale. To avoid these kinds of problems, the boundaries were moved up the cliff face so that

the wilderness would be more manageable and to allow better access to some water resources.

Doesn't wilderness help protect the desert tortoise?

No, the BLM specifically requested that the Southwest part of the County not be made wilderness because they could not manage for wilderness and for the desert tortoise simultaneously. They have instead set the area set aside as an Area of Critical Environmental Concern (ACEC). This area contains parts of four wilderness areas proposed by the wilderness collation to be made wilderness.

Were any wilderness areas proposed by environmental groups included in the bill?

Yes, Blackridge has 7,145 acres and Deep Creek North has 4,264 acres of additional wilderness.

How does the Utah bill compare with Nevada's bills?

It is patterned very closely after the Nevada bills. The language is identical in many areas, but tweaked in other areas to be more specific to the needs of Washington County.

Why do environmental groups oppose this bill?

They oppose the land sales, any provision for water development, and the lack wilderness designations that they would like to see included from the West side of the County. They also oppose growth in the county. Some of these groups even stake claim that the process for the bill was flawed. Some of these groups objected in spite of the fact that they participated in the discussions and tours and raised no objections about the process at that time.

These groups chose to not come on the final tour of the West side of the County or to participate in the discussion. They did however have two days with representatives from Senator Bennett's and Congressman Matheson's staff to travel to any part of the County they wanted, in order to discuss the bill. They also had monthly visits in Washington D C for their input.

Part 5 - Water Development

Aren't current water supplies sufficient?

Virtually all of the major water resources within the basin have already been developed. Some smaller projects are in development to help address growing needs. Water supplies are adequate for our current population. However, even with water conservation efforts, additional water must be secured or developed to meet the demands of the future.

If the Lake Powell Pipeline is necessary, how does this bill affect it and has adequate environmental protection planning been done in order to build it?

The bill provides a corridor for the pipe line within Washington County. A right-of-way would not be granted until complete review was completed by the relevant federal agencies, including environmental review required by the National Environmental Policy Act (NEPA). The bill does not fund the pipeline project. The legislation does not remove any associated environmental requirements that might be imposed if the project is built.

Does the bill provide funding for the Lake Powell Pipeline through the sale of federal lands or some other way?

The Water Conservancy District is not going to use money from land bill to pay for the pipeline. The Water Conservancy District has a capital facilities plan to help plan for future needs. The burden of paying for future water projects is being assigned to new development, largely through impact fees.

Since the Washington County Water Conservancy District receives 8% of the revenues from the proposed federal land sales, how would that money be spent?

The bill states it can be used for “water treatment, transmission facility infrastructure, and water conservation in the County”

Other than the Lake Powell pipeline, what other water developments are proposed, and can those developments be paid for from revenues realized from the sale of federal lands?

The following is a proposed list of some potential projects: Sand Mountain Reservoir, Crystal Creek pipeline, Sand Hollow well development and agriculture conversion. These projects are expected to be paid for with impact fees. Additional;

secondary water systems, future water delivery pipelines, water treatment plants, and water conservation efforts could be for, with money generated by the land bill.

Part 6 - Transportation in the County

What are the projected transportation needs of the county and how are they impacted by this bill?

The County and Cities within the county, have been studying the best routes for beltways and a Southern Corridor for several years. Because of the physical restrictions imposed by the extensive mountains, ridges and canyons that dominate the county along with, the Virgin and Santa Clara Rivers, as well as endangered species habitat, there are limited locations where these roads to be constructed in an economical and environmentally sound manner. The bill lays out a framework for these corridors and preserves them for the future.

Will the proposed Northern Corridor route listed in the bill ruin tortoise habitat?

The bill allows for a corridor, yet to be identified, that will run from SR18 in the Winchester Hills/Diamond Valley area which would connect to the Hurricane or Washington City exit. It requires that proposed routes inside and outside tortoise habitat be evaluated. The Habitat Conservation Advisory Committee will have full involvement in the process as well as the general public in selecting a route that will have the least impact on the desert tortoise while at the same time meeting transportation needs.

Part 7 - Utility Corridors

Does the bill provide corridors for electricity, water, telephone, natural gas and other uses?

The bill provides for corridors for utilities. For the most part, these corridors follow existing or proposed transportation routes. However some of the major utilities could go cross country to minimize their impact on populated or traveled areas.

Part 8 - Off Highway Vehicles

What does the bill do for OHV recreation opportunities in the

county?

The bill designates the High Desert Off Highway Vehicle Trail. The development of this trail has been in process for several years. It will be on the West side of the County using existing roads and trails and will be monitored for resource damage. It may need to be adjusted from time to time for environmental reasons.

The trail will eventually run through Washington, Iron and Beaver Counties and connect to the Piate Trail in the central part of the state. By providing a suitable route for legal OHV use, impacts on other lands should be minimized.

Part 9 - Agriculture, Livestock and Mining

What does the bill do to promote and maintain agriculture and livestock grazing in the county?

There is no direct benefit to agriculture or livestock in the bill. One should note however that there are no proposed BLM land sales identified in the Western portion of the County where there is considerable grazing at the present time.

Part 10 - Mining

How does the bill impact mining?

All known mines and sand and gravel deposits were not included in any proposed wilderness areas. As such they would be available for future use.